

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CACEIS BANK LUXEMBOURG and CACEIS  
BANK,

Defendants.

Adv. Pro. No. 11-02758 (CGM)

**STIPULATION AND ORDER CONCERNING TRUSTEE'S AMENDED COMPLAINT**

Irving H. Picard, as trustee (the "Trustee") for the liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated chapter 7 estate of Bernard L. Madoff, and defendants CACEIS Bank Luxembourg, n/k/a CACEIS Bank, Luxembourg Branch ("CACEIS Bank, Luxembourg Branch") and CACEIS Bank ("CACEIS Bank") and together with CACEIS Bank, Luxembourg Branch, the "CACEIS Defendants," and, together with the Trustee, the "Parties" and



each a “Party”) by and through their respective undersigned counsel, submit this stipulation and order (the “Stipulation”), and state as follows:

**WHEREAS**, the Trustee filed the Complaint against the CACEIS Defendants seeking to recover subsequent transfers allegedly received from Fairfield Sentry Limited, Fairfield Sigma Limited, and Harley International (Cayman) Limited;

**WHEREAS**, the Trustee informed the CACEIS Defendants of the Trustee’s intent to file an amended complaint;

**WHEREAS**, on April 12, 2023, the Trustee provided the CACEIS Defendants with a copy of the proposed amended complaint (the “Amended Complaint”);

**WHEREAS**, on June 14, 2023, the CACEIS Defendants consented to the Trustee’s filing of the Amended Complaint; and

**WHEREAS**, on June 16, 2023, the Parties met and conferred regarding a briefing schedule with respect to the CACEIS Defendants’ response to the Amended Complaint;

**IT IS HEREBY STIPULATED AND AGREED**, by and among the Parties, and **SO ORDERED** by the Court that:

1. The Trustee shall file the Amended Complaint on **June 30, 2023**.
2. The CACEIS Defendants shall answer, move, or otherwise respond to the Amended Complaint on or before **September 13, 2023**.
3. To the extent the CACEIS Defendants move to dismiss the Amended Complaint, the Trustee shall respond to such motion on or before **November 15, 2023**.
4. The CACEIS Defendants shall file any reply in support of the motion to dismiss on or before **December 13, 2023**.



5. The deadlines established herein are without prejudice to any Party seeking further extensions of time.
6. Except as expressly set forth herein, the Parties reserve all rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses.

Dated: June 30, 2023  
New York, New York

By: /s/ Matthew B. Lunn  
**YOUNG CONAWAY STARGATT &  
TAYLOR, LLP**  
Rockefeller Center  
1270 Avenue of the Americas, Suite 2210  
New York, New York 10020  
Telephone: (212) 332-8840  
Facsimile: (212) 332-8855  
Matthew B. Lunn  
Michael S. Neiburg (admitted *pro hac vice*)  
Justin P. Duda  
Christopher M. Lambe (admitted *pro hac vice*)  
Email: mlunn@ycst.com  
mneiburg@ycst.com  
jduda@ycst.com  
clambe@ycst.com

*Attorneys for Irving H. Picard,  
Trustee for the Substantively Consolidated  
SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate of  
Bernard L. Madoff*

By: /s/ Daniel Schimmel  
**FOLEY HOAG LLP**  
1301 Avenue of the Americas, 25th Floor  
New York, New York 10019  
Telephone: (212) 812-0400  
Facsimile: (212) 812-0399  
Daniel Schimmel  
Email: dschimmel@foleyhoag.com

*Attorney for Defendants Caceis Bank,  
Luxembourg Branch and Caceis Bank*

**Dated: July 5, 2023**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**